92

HIGH COURT OF JUDICATURE CHHATTISGARH : BILASPUR

SINGLE BENCH : HON'BLE SHRI S.R. NAYAK, CJ.

WRIT PETITION No.3310 OF 2005

PETITIONER NON-APPLICANT		Smt. Anjani Bai W/o Balla Sagarvanshi Age 37 Yrs. R/o Vill. Mura, Teh. Tilda Distt. Raipur
	Versus	
RESPONDENTS Applicant	1.	Smt. Bismat Bai W/o Bhagbali Druv About 37 yrs. R/o Vill. Mura, Teh. Tilda Distt. Raipur
	2.	SDO (Revenue), Distt. Raipur.

Present : Shri Raja Sharma, learned counsel for the petitioner.
Shri Anand Kr. Tiwari, learned counsel for respondent No.1.

ORAL ORDER
(Passed on 17th April, 2006)

Smt. Bismat Bai, the 1st respondent herein being aggrieved by the election of Smt. Anjani Bai, the petitioner herein as Sarpanch of Gram Panchayat Mura, filed the election petition before the Sub Divisional Officer (Revenue) under Section 122 Chhattisgarh Panchayat Raj Adhiniyam and Chhattisgarh Panchayat (Election Petitions, Corruption & Qualification for Membership) Rules 1995. The election of the petitioner was assailed *inter alia on* the grounds that the petitioner does not belong to Scheduled Tribe; the Returning Officer has committed serious irregularity in accepting the nomination of the petitioner even in the absence of verification of proforma 4 . The election petition was opposed by the petitioner by filing the written statement. The learned Election Tribunal, the 2nd respondent herein, without framing issues that arise out of the pleadings of the parties and without trying them after giving reasonable opportunities to both the

parties, perfunctorily disposed of the election petition by the impugned order. Hence, this writ petition.

(2) Heard learned counsel for the parties. Although several grounds were urged by the learned counsel for the parties touching on of merit, there is no need for this Court, at this stage, to adjudicate upon the merits of the matter, because, the Court finds infraction of procedure which governs the trial of the election petition. The 2nd respondent ought to have framed the issues arising out of the pleadings of the parties and called upon the election petitioner to substantiate the allegation leveled against the election of the petitioner as Sarpanch of Gram Panchayat Mura by adducing evidence. On that short ground, the writ petition is allowed and impugned order is set aside and proceedings are remanded to the 2nd respondent with a direction to dispose of the same in accordance with law and in the light of this order, as expeditiously as possible, at any rate within a period of three months from the date of receipt of a copy of this order. All contentions raised by the parties in their respective pleadings in this Court touching on the merit of the matter are left open to be agitated before the 2nd respondent for his consideration and decision.

Sd/-
Chief Justice